

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 2, 5, and 11 have been cancelled, and claims 1 and 12 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 6-10, and 12 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §101

At page 2 of the Office Action, claim 11 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. As claim 11 has been cancelled, Applicants respectfully submit that this rejection is moot.

REJECTION UNDER 35 U.S.C. §103

Claims 1, 6, 8, 11, and 12

In the Office Action at page 3, claims 1, 6, 8, 11, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,153,931 to Green, et al. in view of JP 11-110441 to Saito, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted above, claim 11 has been cancelled. Independent claims 1 and 12 have been amended to include features previously found in claims 2 and 5. The features of claims 2 and 5 are not taught or suggested by Green, et al. or Saito, et al. Thus, Applicants respectfully submit that Green, et al. and Saito, et al., whether taken alone or in combination, fail to teach or suggest all of the features of independent claims 1 and 12, and those claims depending directly or indirectly therefrom. Accordingly, Applicants respectfully submit that claims 1, 6-10, and 12 patentably distinguish over the combination of Green, et al. and Saito, et al. and are, therefore, in condition for allowance.

Claim 7

In the Office Action at page 4, claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Green, et al. in view of Saito, et al. and further in view of U.S. Patent No. 6,078,897 to Rubin, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Rubin, et al. is relied upon only to teach a reduced price estimating means and does not cure the deficiencies of Green, et al. or Saito, et al. noted above. Thus, Applicants respectfully

submit that Green, et al., Saito, et al., and Rubin, et al., whether taken alone or in combination, fail to teach or suggest all of the features of dependent claim 7. Accordingly, Applicants respectfully submit that claim 7 patentably distinguishes over Green, et al., Saito, et al., and Rubin, et al. and is, therefore, in condition for allowance.

Claims 1, 2, 5, 6, and 8-12

In the outstanding Office Action at page 5, claims 1, 2, 5, 6, and 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Epixtech in view of Saito, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 1 and 12 have been amended to include the features previously found in claims 2 and 5, and claims 2 and 5 have been cancelled.

At page 6 of the Office Action, the Examiner states that "It is further noted that the 'for ...' clauses of claims 1-10 are interpreted as statements of intended use, and therefore any apparatus structure capable of performing the recited use reads on the limitations." Applicants respectfully disagree with the assertion that the "for" clauses are statements of intended use. Claims 1-10 are means plus function claims. For the convenience of the Examiner, Applicants note that 35 U.S.C. 112, sixth paragraph, states "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof."

Further, Applicants note the absence of the specific identification of any features of the claims 1, 2, 5, 6, or 8-12 in either Epixtech or Saito, et al. Applicants have reviewed both Epixtech and Saito, et al. and, in the interest of compact prosecution, Applicants respectfully request the Examiner's assistance in identifying the features of claims 1, 6, and 8-12 with specificity in the cited art. MPEP §2143.03 requires that "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Additionally, although claim 12 was rejected as being unpatentable over Epixtech in view of Saito, et al., the Office Action fails to apply Epixtech and Saito, et al. to claim 12. Applicants note that claim 12 is directed to a computer-readable storage medium storing a program for causing a computer to perform a process of managing book stocks of a plurality of libraries through a network. Claim 12 does not recite any "means for" clauses. Thus, Applicants fail to see how the rejection of claims 1, 2, 5, 6, 8, 9, or 10 can be applicable to claim 12. Applicants respectfully request that the Examiner provide a specific application of the cited prior art to

amended independent claim 12.

Applicants respectfully submit that Epixtech and Saito, et al. fail to teach or suggest at least "loan reserving means for registering a book ordered by said ordering means in said book stock information means as an unavailable book and permitting loan of the book to be reserved even if the book is not yet delivered" wherein "when a loan of a book is conducted between different libraries, said loan information management means enables a predetermined library to modify the loan information of another library," as recited in amended independent claim 1. Epixtech and Saito, et al. also fail to teach or suggest at least "registering an ordered book in book stock information as an unavailable book and permitting loan of the book to be reserved even if the book is not yet delivered" and that "when a loan of a book is conducted between different libraries, said managing loan information enables a predetermined library to modify the loan information of another library," as recited in amended independent claim 12. For at least these reasons, Applicants respectfully submit that Epixtech and Saito, et al., whether taken alone or in combination, fail to teach or suggest all of the features of amended independent claims 1 and 12, and those claims depending directly or indirectly therefrom. Accordingly, Applicants submit that claims 1, 6-10, and 12 patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.


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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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